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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/325,219 10/21/94 SCHADE

C 43168

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| EXAMINER |
| CHENG, W |

15M2/0117

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| ART UNIT | PAPER NUMBER |
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1505

DATE MAILED: 01/17/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 8-31-95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 10-15 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 10-15 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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15.

The amendment with remarks, filed on 8-31-95, has been fully considered. The amendment necessitates new grounds of rejection.

16.

Claims 10 and 15 are rejected under 35 U.S.C. § 112, first paragraph, as the disclosure is enabling only for claims limited to (A) as 50-99.9% by weight of an olefinically unsaturated C₃-C₅-monocarboxylic acid; (B) as 0.1-50% by weight of one or more long-chain compounds with isolated C-C multiple bonds from the group comprising (1) mono- or polyunsaturated C₈-C₃₀-monocarboxylic acids, (2) mono- or polyunsaturated aliphatic C₈-C₃₀-amines, (3) mono- or polyunsaturated C₈-C₃₀-alcohols, (4) C₁₀-C₂₅-alkyl vinyl ethers, and (5) terminal or internal C₁₆-C₃₀-alkenes; (c) 0-49.9% by weight of other copolymerizable monomers; and (D) 0-10% by weight of one or more compounds with at least two olefinically unsaturated groups in the molecule as crosslinkers. See M.P.E.P. §§ 706.03(n) and 706.03(z).

These components were covered by working examples in the specification. For other components in these claims, it would take a person with ordinary skill in the art to perform undue experiments in order to find out whether they are commensurate in scope.

17.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under

this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by George (EP 47009).

In the abstract and claim 1 of the reference, George discloses a polymer of 70 to 93 weight percent of acrylic acid and 7 to 30 weight percent of an olefin with 6 to 18 carbon atoms. In lines 6-7 on page 9, George teaches that the monomer mixture can be polymerized without first neutralizing the carboxylic groups. Crosslinking agents are mentioned from line 10 on page 10 to line 9 on page 11. Thus the reference anticipates the instant claims.

18.

Claims 10, 12-13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Blank (US 3,755,272).

In the abstract and claim 1 of the reference, ~~George~~ *Blank* discloses a copolymer of a non-iso α -olefin containing from 8 to 30 carbon atoms and acrylic acid or methacrylic acid.

19.

Claims 10, 12-13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ott (US 2,945,013).

In column 1, lines 15-18 of the reference, Ott discloses an

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interpolymer of acrylic acid and 2-ethylhexyl acrylate. Thus the reference anticipates the instant claims.

20.

Claims 10 and 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Westerman (US 4,190,562).

In the abstract of the reference, Westerman discloses polymers of unsaturated carboxylic acids, acrylic or methacrylic ester containing an alkyl of 10 to 30 carbon atoms, acrylic or methacrylic nitrile or amide, and optionally a crosslinking agent. Thus the reference anticipates the instant claims.

21.

Claims 10 and 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hawe et al (US 4,892,916).

In the abstract of the reference, Hawe et al disclose polymers of methacrylic acid, allyl ether of the formula $\text{CH}_2=\text{CR}^1\text{CH}_2\text{OR}$ where R^1 is hydrogen or methyl and R is a hydrophobic group of at least 8 carbon atoms and optionally a crosslinking agent. Thus the reference anticipates the instant claims.

22.

Any inquiry concerning this communication should be directed to W.C. Cheng at telephone number (703) 308-2351.

WCC
W.C. Cheng:jp
January 03, 1996

Joseph L. Schofer
JOSEPH L. SCHOFER
SUPERVISORY PATENT EXAMINER
ART UNIT 155